

General Certificate of Secondary Education

B143

LAW

Unit B143: Employment rights and responsibilities

Specimen Paper

Time: 1 hour 30 minutes

Candidates answer on the question paper.

Additional materials:

Candidate
Forename

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Candidate
Surname

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Centre
Number

--	--	--	--	--	--

Candidate
Number

--	--	--	--	--	--

INSTRUCTIONS TO CANDIDATES

- Write your name in capital letters, your Centre Number and Candidate Number in the boxes above.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each answer carefully and make sure you know what you have to do before starting your answer.
- Answer **all** the questions.
- Do not write in the bar codes.
- Do not write outside the box bordering each page.
- Write your answer to each question in the space provided.

INFORMATION FOR CANDIDATES

- The number of marks for each question is given in brackets [] at the end of each question or part question.
- Your quality of written communication is assessed on the question marked with an asterisk (*).
- The total number of marks for this paper is 60.

FOR EXAMINER'S USE

1	
2	
3	
4	
TOTAL	

This document consists of 11 printed pages and 1 blank page.

[Turn over

Answer **all** questions.

- 1 (a) In written contracts of employment basic information such as the name of the employer, the name of the employee and the start date must be included.

Identify **three** other pieces of information which an employer **must** include in an employee's written contract of employment.

Piece of information 1

.....

Piece of information 2

.....

Piece of information 3

..... [3]

- (b) Read the following passage.

Sid has worked as a van driver for the past twenty years delivering goods for a manufacturer of electrical goods. Sid used to be a weekly paid worker, driving for forty hours a week. Three years ago when there was little work, his employer asked him to work under a more flexible arrangement which he has done ever since.

In the chart below tick **three** boxes which indicate that Sid is **self-employed** rather than an employee.

		Tick <input checked="" type="checkbox"/>
(i)	Sid has no set weekly hours of work	
(ii)	Sid can be disciplined by his line-manager	
(iii)	Sid is entitled to four weeks' paid holiday each year	
(iv)	Sid is not paid a weekly or monthly wage but receives a separate payment for each delivery he makes for the company	
(v)	The company deduct tax and insurance from the money which they pay Sid for deliveries	
(vi)	Sid regularly makes deliveries for other companies using his own van. Sometimes this means he is unavailable to make deliveries for the electrical goods company	

[3]

[Total: 6 marks]

2 Read each of the following three situations and complete activity **a)** and activity **b)** which follow them.

- (i)** Ann, a woman, and Brian, a man, are employed in the same restaurant by the same employer. Ann is a waitress and Brian is a waiter. They both work exactly the same hours and do exactly the same work but Ann is paid only half the wage that Brian is paid.
- (ii)** Claude is employed by Derek who hates all gay people. Recently Claude has been dismissed by Derek who has found out that Claude is gay.
- (iii)** Fatima, a clerical worker, has developed severe arthritis in her knees and now has to use a wheelchair. Fatima used to work on the second floor and has requested an office on the ground floor as the controls in the only lift in the building are too high for Fatima to reach from her wheelchair. Her employers have refused.

(a) Identify which area of discrimination law is involved in each situation.

Situation (i).....

Situation (ii).....

Situation (iii).....

[3]

(b) Give reasons why the party in each situation **(i)**, **(ii)** and **(iii)** will be able to show that they have in fact been discriminated against.

Situation (i).....

Situation (ii).....

Situation (iii).....

[9]

- (c)** Without anti-discrimination laws in (b)(i) Ann would be doing the same job as a man for half the pay, in (b)(ii) Claude would lose his job just because he is gay, and in (b)(iii) Fatima would not be able to carry on with her job.

Briefly discuss **three other reasons** why it is important to have laws preventing discrimination at work.

[6]

[6]

[Total: 18 marks]

- (d) In 1938 the House of Lords in *Wilson and Clyde Coal Co Ltd v English* first declared that an employer owes a personal duty of care to all his employees. At that time the court also identified that this duty was broken down into four specific duties.

Identify any **three** of those specific duties.

Duty 1

.....

Duty 2

.....

Duty 3

..... [3]

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- (e) The chart below gives six factual scenarios, marked A to F. There are also six specific duties owed by an employer numbered 1 to 6.

Scenario		Duty	
A	Andy is a data entry clerk for a bank and works at a computer for 37 hours each week over 5 days.	1	An employer must provide adequate sanitary (toilet) arrangements for all employees.
B	Bill operates a machine which saws metal. Sometimes the saw blade sticks and to save time Bill frees it without turning the machine off.	2	An employer must reduce any manual handling which creates risks and train employees on proper manual handling to avoid risk of injury.
C	Candice works in a busy factory. It is always hot and sometimes there is so much dust in the air that it is hard to see what she is doing.	3	An employer should prevent access to dangerous machinery and have controls which stop the machine instantly if there is something wrong.
D	Dalvinder regularly has to lift heavy boxes by hand because the fork lift truck is often broken down and not working. As a result he has a bad back.	4	An employer should provide free eye testing and regular breaks.
E	Eva, who has to use a wheel chair, works in a factory with more than 70 other men and women. There is only one toilet in the factory.	5	An employee must ensure that all personal safety equipment is kept in good repair.
F	Fredo works with chemicals so he has to wear protective gloves. A pair only lasts six weeks before they wear out but Fredo's employer only gives employees one pair a year to save money. Fredo develops a severe skin rash.	6	An employer must provide pure air, reasonable temperatures and adequate lighting in the workplace.

Identify the duty which is appropriate to each of the factual scenarios, A-F. Record your answers in the table below.

A	
B	
C	
D	
E	
F	

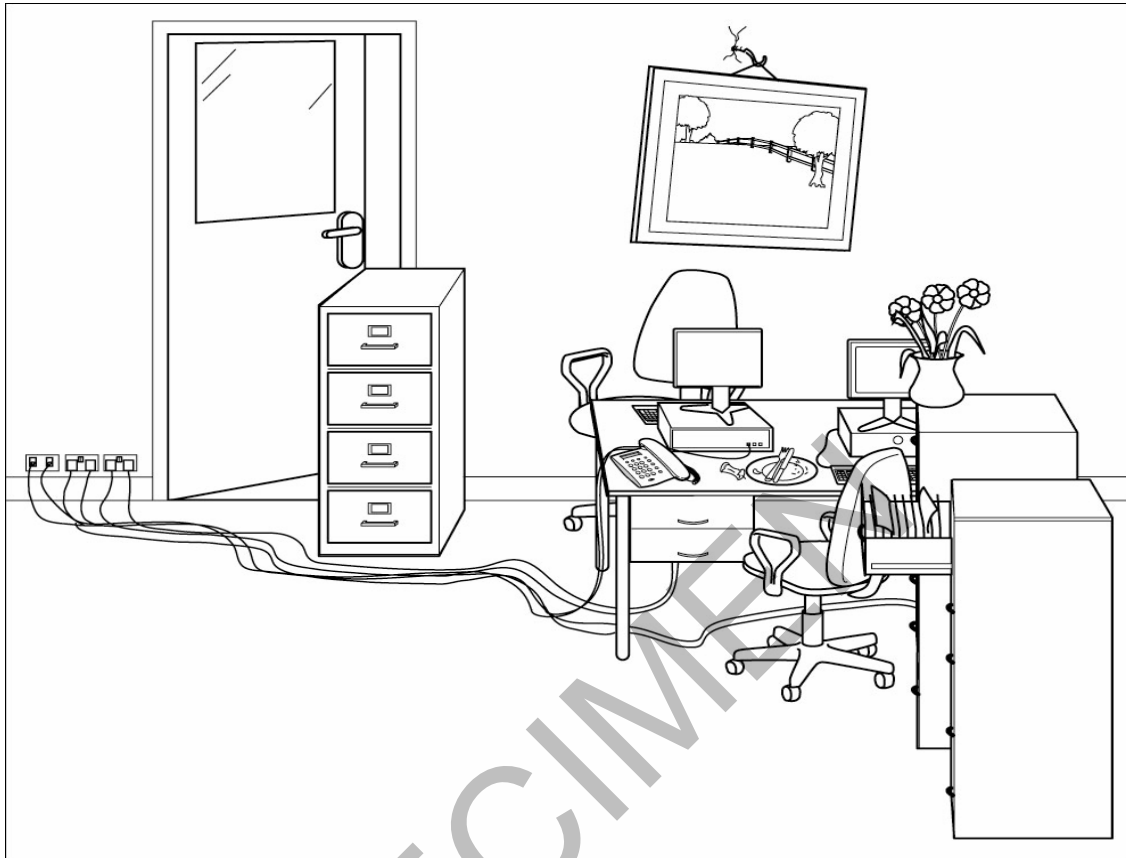
(f) Read the following passage and fill in the missing words from the list below.

- Commission
- Executive
- Investigators
- Inspectors
- Prohibition
- Improvement

The Health and Safety is the body which enforces health and safety law. It employs who can enter premises and investigate possible breaches of health and safety law. They can issue notices which state what needs to be done to comply with the law and also the time limit within which these things must be done.

[3]

- (g) Look at the illustration below. Identify **six** potential health and safety hazards which you can find in the illustration.



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- Hazard 1
-
- Hazard 2
-
- Hazard 3
-
- Hazard 4
-
- Hazard 5
-
- Hazard 6
- [6]

[Total: 18 marks]

3 There are different types of dismissal:

- Summary dismissal
- Wrongful dismissal
- Unfair dismissal
- Constructive dismissal

(a) Outline the ways in which **constructive** dismissal is different from the other types of dismissal.

[3]

[3]

(b) Chris has been dismissed half way through his working day, escorted from the premises and told never to return (summary dismissal). His employer told Chris that this was because Chris refused to obey an instruction from his manager to stop reading the newspaper when he should be working, and when the manager repeated the instruction Chris punched the manager in the face.

Explain **three** reasons why summary dismissal may have been **appropriate**.

Reason 1

Reason 2

Reason 3 [3]

[3]

(c) In any claim for dismissal, some types of dismissal are regarded as automatically unfair.

In the following chart identify the **three** situations which are automatically unfair dismissals. Show your answer with a tick ☒ next to the appropriate situations.

	Tick <input checked="" type="checkbox"/>
A genuine redundancy	
Dismissal of a pregnant employee purely because she is pregnant	
Dismissal of a person who has stolen from his employer	
Dismissal of a person who is too ill ever to return to work	
Dismissal of a person working on a building site who insisted on being given a hard hat	
Dismissal of an employee because he joined a trade union	

[3]

(d)* Briefly discuss some reasons why it is important for employers to have the right to dismiss employees, giving examples of situations in which dismissal would be necessary.

[9]

[9]

[Total: 18 marks]

[Paper total: 60 marks]

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Question Number	Answer	Marks																		
1(a)	<p>In written contracts of employment basic information such as the name of the employer, the name of the employee and the start date must be included.</p> <p>Identify <u>three</u> other pieces of information which an employer <u>must</u> include in an employee's written contract of employment.</p> <p>Assessment Objective 1</p> <p>1 mark for each correct item identified (maximum 3 marks)</p> <p>Candidates will identify any three of the following:</p> <ul style="list-style-type: none"> • Scale of pay, method of calculating pay, pay period • Hours of work • Holiday, sickness and pension rights • Periods of notice on both sides • Job title and/or job description • Period of employment if not permanent • Place or places of work • Details of collective agreements • Specific details of overseas work <p>Date of commencement of continuous employment (for takeover)</p>	[3]																		
(b)	<p>Read the following passage.</p> <p>Sid has worked as a van driver for the past twenty years delivering goods for a manufacturer of electrical goods. Sid used to be a weekly paid worker, driving for forty hours a week. Three years ago when there was little work, his employer asked him to work under a more flexible arrangement which he has done ever since.</p> <p>In the chart below tick <u>three</u> boxes which indicate that Sid is <u>self-employed</u> rather than an employee.</p> <p>Assessment Objective 3</p> <p>1 mark for each correct item identified (maximum 3 marks)</p> <p>Candidates will tick boxes (i), (iv) and (vi) as follows:</p> <table border="1"> <tr> <td>(i)</td><td>Sid has no set weekly hours of work</td><td>✓</td></tr> <tr> <td>(ii)</td><td>Sid can be disciplined by his line-manager</td><td></td></tr> <tr> <td>(iii)</td><td>Sid is entitled to four weeks paid holiday each year</td><td></td></tr> <tr> <td>(iv)</td><td>Sid is not paid a weekly or monthly wage but receives a separate payment for each delivery he makes for the company</td><td>✓</td></tr> <tr> <td>(v)</td><td>The company deduct tax and insurance from the money which they pay Sid for deliveries</td><td></td></tr> <tr> <td>(vi)</td><td>Sid regularly makes deliveries for other companies using his own van. Sometimes this means he is unavailable to make deliveries for the electrical goods company</td><td>✓</td></tr> </table>	(i)	Sid has no set weekly hours of work	✓	(ii)	Sid can be disciplined by his line-manager		(iii)	Sid is entitled to four weeks paid holiday each year		(iv)	Sid is not paid a weekly or monthly wage but receives a separate payment for each delivery he makes for the company	✓	(v)	The company deduct tax and insurance from the money which they pay Sid for deliveries		(vi)	Sid regularly makes deliveries for other companies using his own van. Sometimes this means he is unavailable to make deliveries for the electrical goods company	✓	[3]
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Question Number	Answer	Marks
2	<p>Read each of the following three situations and complete activity a) and activity b) which follow them.</p> <p>(i) Ann, a woman, and Brian, a man, are employed in the same restaurant by the same employer. Ann is a waitress and Brian is a waiter. They both work exactly the same hours and do exactly the same work but Ann is paid only half the wage that Brian is paid.</p> <p>(ii) Claude is employed by Derek who hates all gay people. Recently Claude has been dismissed by Derek who has found out that Claude is gay.</p> <p>(iii) Fatima, a clerical worker, has developed severe arthritis in her knees and now has to use a wheelchair. Fatima used to work on the second floor and has requested an office on the ground floor as the controls in the only lift in the building are too high for Fatima to reach from her wheelchair. Her employers have refused.</p> <p>(a) Identify which area of discrimination law is involved in each situation.</p> <p>Assessment Objective 1 1 mark for each correct type identified (maximum 3 marks) Candidates will identify as follows:</p> <ul style="list-style-type: none"> • Equal pay • Discrimination on sexual orientation • Disability discrimination <p>(b) Give reasons why the party in each situation (i), (ii) and (iii) will be able to show that they have in fact been discriminated against.</p> <p>Assessment Objective 2 For each of the three scenarios above give credit as follows:</p> <ul style="list-style-type: none"> • 0 marks for no response or no response worthy of credit • 1 mark for identifying 1 basic point or limited reasoning • 2 marks for identifying 2 basic points or adequate reasoning • 3 marks for a number of points or good reasoning <p>(maximum 9 marks) Candidates will give reasons as follows:</p> <p>(i)</p> <ul style="list-style-type: none"> • Ann and Brian are doing 'like work' – work that is the same or broadly similar • There is no apparent justification for the difference • Therefore Ann is being treated less favourably than Brian purely because she is a woman and should be able to claim equal pay with him <p>(ii)</p> <ul style="list-style-type: none"> • Claude has been dismissed purely because of his sexual orientation which is now covered by discrimination law • It is obvious that his employer has dismissed him because of his sexual orientation and this is direct discrimination 	<p>[3]</p> <p>[9]</p>

Question Number	Answer	Marks
(c)	<ul style="list-style-type: none"> Therefore Claude is being treated less favourably than an employee with a different sexual orientation and he should be able to claim against the dismissal which is discriminatory and automatically unfair (iii) Fatima has a 'physical impairment' with a substantial long-term effect The employer is under a duty to take reasonable steps to accommodate her disability so as not to treat her less favourably than an able bodied person <p>There seems no reasonable reason for them refusing to change her to aground floor room so they have breached their duty and she can claim</p> <p>Without anti-discrimination laws in (bi) Ann would be doing the same job as a man for half the pay, in (bii) Claude would lose his job just because he is gay, and in (biii) Fatima would not be able to carry on with her job because the employer will not make adjustments that would allow her to work despite her disability.</p> <p>Briefly discuss <u>three other reasons</u> why it is important to have laws preventing discrimination at work.</p> <p>Assessment Objective 3 For each reason discussed:</p> <ul style="list-style-type: none"> 0 marks for no response or no response worthy of credit 1 mark for basic point or limited discussion 2 marks for developed discussion <p>Candidates will discuss any of the following (credit should be given for both breadth and depth):</p> <ul style="list-style-type: none"> To ensure fairness and justice in the workplace To preserve equality under the law To avoid stereotyping and prejudice in the workplace from employers and fellow employees To ensure people get appointed and promoted on merit To avoid bullying and harassment in the workplace To ensure a productive working environment Any other relevant comment 	[6]
3(a)	<p>In 1938 the House of Lords in <i>Wilson and Clyde Coal Co Ltd v English</i> first declared that an employer owes a personal duty of care to all his employees. At that time the court also identified that this duty was broken down into four specific duties.</p> <p>Identify any <u>three</u> of those specific duties.</p> <p>Assessment Objective 1 1 mark for each correct duty identified (maximum 3 marks) Candidates will identify any three of the following:</p> <ul style="list-style-type: none"> To provide safe premises To provide safe plant and equipment To provide safe working colleagues To provide a safe system of work 	[3]

Question Number	Answer	Marks																												
(b)	<p>The chart below gives six factual scenarios, marked A to F. There are also six specific duties owed by an employer numbered 1 to 6.</p> <table><tr><th></th><th>Scenario</th><th></th><th>Duty</th></tr><tr><td>A</td><td>Andy is a data entry clerk for a bank and works at a computer for 37 hours each week over 5 days.</td><td>1</td><td>An employer must provide adequate sanitary (toilet) arrangements for all employees.</td></tr><tr><td>B</td><td>Bill operates a machine which saws metal. Sometimes the saw blade sticks and to save time Bill frees it without turning the machine off.</td><td>2</td><td>An employer must reduce any manual handling which creates risks and train employees on proper manual handling to avoid risk of injury.</td></tr><tr><td>C</td><td>Candice works in a busy factory. It is always hot and sometimes there is so much dust in the air that it is hard to see what she is doing.</td><td>3</td><td>An employer should prevent access to dangerous machinery and have controls which stop the machine instantly if there is something wrong.</td></tr><tr><td>D</td><td>Dalvinder regularly has to lift heavy boxes by hand because the fork lift truck is often broken down and not working. As a result he has a bad back.</td><td>4</td><td>An employer should provide free eye testing and regular breaks.</td></tr><tr><td>E</td><td>Eva, who has to use a wheel chair, works in a factory with more than 70 other men and women. There is only one toilet in the factory.</td><td>5</td><td>An employee must ensure that all personal safety equipment is kept in good repair.</td></tr><tr><td>F</td><td>Fredo works with chemicals so he has to wear protective gloves. A pair only lasts six weeks before they wear out but Fredo's employer only gives employees one pair a year to save money. Fredo develops a severe skin rash.</td><td>6</td><td>An employer must provide pure air, reasonable temperatures and adequate lighting in the workplace.</td></tr></table>		Scenario		Duty	A	Andy is a data entry clerk for a bank and works at a computer for 37 hours each week over 5 days.	1	An employer must provide adequate sanitary (toilet) arrangements for all employees.	B	Bill operates a machine which saws metal. Sometimes the saw blade sticks and to save time Bill frees it without turning the machine off.	2	An employer must reduce any manual handling which creates risks and train employees on proper manual handling to avoid risk of injury.	C	Candice works in a busy factory. It is always hot and sometimes there is so much dust in the air that it is hard to see what she is doing.	3	An employer should prevent access to dangerous machinery and have controls which stop the machine instantly if there is something wrong.	D	Dalvinder regularly has to lift heavy boxes by hand because the fork lift truck is often broken down and not working. As a result he has a bad back.	4	An employer should provide free eye testing and regular breaks.	E	Eva, who has to use a wheel chair, works in a factory with more than 70 other men and women. There is only one toilet in the factory.	5	An employee must ensure that all personal safety equipment is kept in good repair.	F	Fredo works with chemicals so he has to wear protective gloves. A pair only lasts six weeks before they wear out but Fredo's employer only gives employees one pair a year to save money. Fredo develops a severe skin rash.	6	An employer must provide pure air, reasonable temperatures and adequate lighting in the workplace.	[6]
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(b) cont	<p>Identify the duty which is appropriate to each of the factual scenarios, A-F. Record your answers in the table below.</p> <table><tr><td>A</td><td></td></tr><tr><td>B</td><td></td></tr><tr><td>C</td><td></td></tr><tr><td>D</td><td></td></tr><tr><td>E</td><td></td></tr><tr><td>F</td><td></td></tr></table> <p>Assessment Objective 2 1 mark each for each correct answer (maximum 6 marks) Candidates will place numbers in the boxes as follows:</p> <table><tr><td>A</td><td>4</td></tr><tr><td>B</td><td>3</td></tr><tr><td>C</td><td>6</td></tr><tr><td>D</td><td>2</td></tr><tr><td>E</td><td>1</td></tr></table>	A		B		C		D		E		F		A	4	B	3	C	6	D	2	E	1							
A																														
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C	6																													
D	2																													
E	1																													

Question Number	Answer	Marks
	F 5	
(c)	<p>Read the following passage and fill in the missing words from the list below.</p> <p>Assessment Objective 1</p> <p>1 mark each for each correct answer (maximum 3 marks)</p> <p>Candidates will insert from the list as follows:</p> <p>The Health and Safety EXECUTIVE is the body which enforces health and safety law. It employs INSPECTORS who can enter premises and investigate possible breaches of health and safety law. They can issue IMPROVEMENT notices which state what needs to be done to comply with the law and also the time limit within which these things must be done.</p> <ul style="list-style-type: none"> • Commission • Executive • Investigators • Inspectors • Prohibition • Improvement 	[3]
(d)	<p>Look at the illustration below. Identify <u>six</u> potential health and safety hazards which you can find in the illustration.</p> <p>Description of picture [for artist – and for visually impaired candidates]</p> <p>The view is of a small office seen from one wall. To the left is the door which opens away from the viewer. At the far end of the picture is a large desk. Between the door and this desk is a filing cabinet which faces towards the door. The filing cabinet is so close to the door that the door cannot open fully. The desks has two computers and a telephone on it. A number of wires run from underneath and behind these desks across the floor to a series of sockets on the wall to the left of the door. Two filing cabinets stand in front of the desk on the right side of the picture. In the one which is closest to the desk at the back of the picture a large vase of flowers is perched on the very edge of the lid. There is little space between the two desks for people to get through. On the other filing cabinet the top drawer has been left wide open. On the right hand desk there is also a plate with a dirty knife and fork and some rotting food left on it. On the wall behind this desk a painting hangs from a hook which is drooping downwards.</p> <p>Assessment Objective 3</p> <p>1 mark for each hazard identified (maximum 6 marks)</p> <p>Candidates will identify the following:</p> <ol style="list-style-type: none"> 1. standing at the filing cabinet behind the door 2. the wires running on the floor 3. the vase may fall 4. the open drawer 5. the rotting food 6. the hook in the wall may come loose and the painting drop on 	[6]

Question Number	Answer	Marks
	someone	
4(a)	<p>There are different types of dismissal:</p> <ul style="list-style-type: none"> • Summary dismissal • Wrongful dismissal • Unfair dismissal • Constructive dismissal <p>Outline the ways in which <u>constructive</u> dismissal is different from the other types of dismissal.</p> <p>Assessment Objective 1 1 mark for each way which is outlined (maximum 3 marks) Candidates will outline any of the following differences:</p> <ul style="list-style-type: none"> • The employee is not actually dismissed • The employee leaves work • Because the employer has breached the contract in a fundamental way • Credit any reference to the reasons why the employee feels that he is being constructively dismissed e.g. harassment, victimisation, unilateral change of terms etc 	[3]
(b)	<p>Chris has been dismissed half way through his working day, escorted from the premises and told never to return (summary dismissal). His employer told Chris that this was because Chris refused to obey an instruction from his manager to stop reading the newspaper when he should be working, and when the manager repeated the instruction Chris punched the manager in the face. Explain <u>three</u> reasons why summary dismissal may have been <u>appropriate</u>.</p> <p>Assessment Objective 2 1 mark for each reason explained (maximum 3 marks) Candidates will explain three of the following reasons:</p> <ul style="list-style-type: none"> • Summary dismissal can be used for gross misconduct • Refusal to obey a lawful and reasonable instruction is gross misconduct • Violence is also gross misconduct • Chris has both refused reasonable orders and been violent at work • Therefore his behaviour is gross misconduct • and this may justify his summary dismissal 	[3]

Question Number	Answer	Marks												
(c)	<p>In any claim for dismissal, some types of dismissal are regarded as automatically unfair.</p> <p>In the following chart identify the <u>three</u> situations which are automatically unfair dismissals. Show your answer with a tick (✓) next to the appropriate situations.</p> <p>Assessment Objective 1</p> <p>1 mark for each correct tick (maximum 3 marks)</p> <p>Candidates will tick the boxes as follows:</p> <table><tr><td>A genuine redundancy</td><td></td></tr><tr><td>Dismissal of a pregnant employee purely because she is pregnant</td><td>✓</td></tr><tr><td>Dismissal of a person who has stolen from his employer</td><td></td></tr><tr><td>Dismissal of a person who is too ill ever to return to work</td><td></td></tr><tr><td>Dismissal of a person working on a building site who insisted on being given a hard hat</td><td>✓</td></tr><tr><td>Dismissal of an employee because he joined a trade union</td><td>✓</td></tr></table>	A genuine redundancy		Dismissal of a pregnant employee purely because she is pregnant	✓	Dismissal of a person who has stolen from his employer		Dismissal of a person who is too ill ever to return to work		Dismissal of a person working on a building site who insisted on being given a hard hat	✓	Dismissal of an employee because he joined a trade union	✓	[3]
A genuine redundancy														
Dismissal of a pregnant employee purely because she is pregnant	✓													
Dismissal of a person who has stolen from his employer														
Dismissal of a person who is too ill ever to return to work														
Dismissal of a person working on a building site who insisted on being given a hard hat	✓													
Dismissal of an employee because he joined a trade union	✓													
* (d)	<p>Briefly discuss some reasons why it is important for employers to have the right to dismiss employees, giving examples of situations in which dismissal would be necessary.</p> <p>Assessment Objective 3</p> <p>Candidates will score as follows:</p> <p>0 marks: no response or no response worthy of credit</p> <p>1-3 marks: some basic points made with elaboration</p> <p>4-6 marks: points made with some elaboration and with effective communication</p> <p>7-9 marks: explained with good reasoning and with effective communication through discussion</p> <p>Candidates will discuss any of the following (credit should be given for both breadth and depth):</p> <ul style="list-style-type: none">• The employee might have lied about his qualifications in his application• The employee may be incapable of doing the job despite all attempts to train him• The employee may be incapable of work because of permanent illness – so it would be unfair for the employer to have to pay him indefinitely• The employee may have a history of insubordination and not responding to warnings• The employee may be violent• The employee may engage in unsafe practices despite warnings from the employer• The employee may be dishonest• The employee may have exhausted the discipline process following repeated misconduct• The employer may need to get rid of some employees because his business is reducing, he has less orders etc, or the employer may have gone out of business	[9]												

Question Number	Answer	Marks
	<ul style="list-style-type: none"> • The employer may be instructed to dismiss certain staff because of regulations imposed by the government • A fixed term contract may have come to an end and there is no further requirement for the employee's services • There may a genuine need for reorganisation of the business 	
Paper Total		[60]

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Assessment Objectives Grid (includes QWC*)

Question	AO1	AO2	AO3	Total
1	3	0	3	6
2	3	9	6	18
3	6	6	6	18
4	6	3	9*	18
Totals	18 (30%)	18 (30%)	24 (40%)	60

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